IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3022 of 2003

Dated: September 26, 2007

Between:

Chalasani Madhusudhan Rao, S/o. Laxminarsaiah,
Aged 62 years, Occ: Agriculture, R/o. Appanaveedu Village,
Hanuman Junction, Pedapadu Mandal, West Godavari District.

... Petitioner

And

Government of Andhra Pradesh, represented by its
Principal Secretary, Animal Husbandry, Dairy
Development and Fisheries Department, Secretariat,
Hyderabad, and others.

... Respondents

Order:

Petitioner, an agriculturist of Appanaveedu village, Pedapadu Mandal in West Godavari District, who also maintains livestock, has filed this writ petition seeking Mandamus to declare the action of the respondents in not sanctioning veterinary dispensary in Appanaveedu village as illegal and arbitrary and a consequential direction to the respondents to establish one such dispensary in their village.

2. Heard learned counsel for the petitioner and learned Government Pleader for Animal Husbandry appearing for the respondents.

3. A veterinary dispensary was sanctioned by the Government as per the guidelines issued in G.O.Ms.No.2657, Food and Agriculture Department dated 11-10-1964 in Bapulapadu village in Krishna District during the year 1964. However, after administrative sanction was granted, requisite infrastructure was not available immediately; hence the dispensary was set up in a village by name Appanaveedu in the neighbouring West Godavari District. Though the dispensary was located in Appanaveedu village, it was functioning under the administrative control of Divisional Assistant Director, Animal Husbandry, Nuziveedu, Krishna District. Afterwards, it appears that the District Collector, Krishna, wrote to the local authority of Bapulapadu village to provide infrastructure to locate the said dispensary at Bapulapadu village. As requisite infrastructure was provided in Bapulapadu village and in view of the representation of the local Member of Legislative Assembly, Government passed orders in G.O.Rt.No.172 dated 26-05-2000, granting permission to shift the dispensary from Appanaveedu village to Bapulapadu village. It was also ordered to open a visiting center in Appanaveedu village.

4. The grievance of the petitioner is that since the year 1965, veterinary dispensary was functioning at Appanaveedu village and in view of the needs of the livestock of that village; the said dispensary should be continued at Appanaveedu village only. It is also the grievance of the petitioner that though the Joint Director, Animal Husbandry, vide his letter dated 11-11-2000 addressed to the Director of Animal Husbandry, for sanction of another veterinary dispensary in Appanaveedu village, no action whatsoever has been taken.

5. The Director, Animal Husbandry, filed counter affidavit, generally denying the allegations of the petitioner, stating that originally the said veterinary dispensary was sanctioned at Bapulapadu village of Krishna District and establishing the said dispensary at Appanaveedu village is only a stopgap arrangement in view of the non-availability of building and sufficient infrastructure at that time. It is stated that in view of the representation of the local Member of Legislative Assembly and also in view of the fact that sufficient infrastructure and building has been made available at Bapulapadu village, the dispensary, which was originally sanctioned to Bapulapadu village, was shifted to that place. It is further stated that as per the orders of the Government, a visiting center has been opened at Appanaveedu village and the officers of the Veterinary Department are periodically visiting the center on specified dates and attending the problems of livestock of Appanaveedu village. With reference to representation for opening new veterinary dispensary at Appanaveedu village, it is stated that the same is registered in the Register maintained for that purpose and it will be considered whenever Government takes a decision of opening new centers.

6. In this case, it is to be seen that though the said veterinary dispensary was established in Appanaveedu village, however, as per the sanction order issued by the Government, the original place of sanction was at Bapulapadu village in Krishna District. As there was no sufficient infrastructure and building for locating the said dispensary, as a stopgap arrangement, it was shifted to Appanaveedu village of West Godavari District. As there was no administrative sanction at all for opening the said dispensary at Appanaveedu village at all, it cannot be said that shifting of the said dispensary from Appanaveedu village to Bapulapadu village as illegal. Moreover, a

visiting center has also been opened in Appanaveedu village for the purpose of attending to the problems of livestock of that village and the representation for sanction of new Rural Livestock Unit is registered, I dispose of the writ petition directing the respondents to consider for grant of a new veterinary dispensary in Appanaveedu village also, whenever new dispensaries are proposed to be established, according to the existing policy. Till such time, respondents shall ensure that the officers of the Veterinary Department attend to the needs of the livestock of Appanaveedu village at the visiting center opened for that purpose. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 26, 2007
MRR